

# Zoning Administrator Hearing



## Minutes

**John S. Gendron**  
**Hearing Officer**

**November 17, 2009 – 1:30 p.m.**

View Conference Room, 2<sup>nd</sup> Floor  
55 North Center Street  
Mesa, Arizona, 85201

**Staff Present**

Angelica Guevara  
Mia Lozano-Helland  
Lesley Davis  
Tim Lillo  
Wahid Alam  
Tom Ellsworth

**Others Present**

Rulon Anderson  
Mark Mabry

**CASES:**

Case No.: ZA09-049

Location: 3150 East Southern Avenue

Subject: Requesting a Special Use Permit to allow a commercial communication tower to exceed the maximum height permitted in the PF zoning district. (PLN2009-00346)

Decision: Approved with the following conditions:

1. *Compliance with the site plan dated October 23, 2009 submitted for AZ-PHX0558Z, COUNTRYSIDE PARK MONOPINE at 3150 East Southern Avenue, except as modified by the conditions below.*
2. *The monopine shall have a maximum height of seventy (70') foot at the top of the monopine trunk/pole, an additional 5' in height is allowed for the pine needles.*
3. *The antennas shall be covered with pine needle socks to match the pine needle density and color of the monopine.*
4. *The antennas will be screened with a minimum of 2.5' branches per foot.*
5. *The antennas shall not exceed 4'-2" in length, 1'-1" in width, and 4" in depth.*
6. *The antennas shall not extend beyond the needles and the needles shall taper towards the top to give a natural look.*
7. *The antennas shall be painted to match the color of the pine needles.*
8. *The antenna standoff T-arm shall not be more than 8" from the pole.*
9. *The 8' high CMU screen wall and the steel gate shall match in color.*

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*10. Compliance with all requirements of the Mesa Park and Recreation Department.*

*11. Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

Summary: Rulon Anderson represented the case and had no further comments regarding the staff report. Mr. Gendron questioned condition 10 related to requirements and the 'open-endedness' of the condition. Ms. Guevara commented that the request was reviewed and approved by the Parks and Rec Board. Mr. Gendron requested that the conditions of approval be more specific in the future. After discussion Mr. Gendron approved the case based on the staff report and recommendations.

Finding of Fact:

- 1.1** The request for a Special Use Permit case# ZA09-49 was continued to the November 17, 2009 hearing at the November 3, 2009 hearing. The applicant revised the site plan and sent notification letters to neighbors with an accurate site address for the request.
- 1.2** The Special Use Permit (SUP) will allow for the placement of a 70-foot high monopine in an existing City Park (Countryside Park) parking lot located at 3150 East Southern Avenue in the AG zoning district.
- 1.3** The applicant notified all property owners within 300-feet of the request and no comments or concerns were received.
- 1.4** The monopine is 70-feet high. The array will consist of three sectors, with three antennas, three daps, and three microwave dishes (2'-2" diameter). The antennas will be 4'-2" in length, 1'-1" in width, and 4" in depth.
- 1.5** An equipment cabinet will be screened by an 8' high CMU wall around a 25' x 25' lease area with a 8' wide steel access gate.
- 1.6** Clear Wire will build the 70'- high monopine with the ability for co-location of other carriers. This Special Use Permit (PLN2009-00346) allows only one carrier (Clear Wire) to install antennas on this monopine. All other carriers will need future approval prior to co-location.
- 1.7** The monopine is consistent with the goals of the City's Wireless Communications Design and Placement Guidelines for the Parks and Recreation Facilities.
- 1.8** The monopine is surrounded by PF zoning district to the north with a setback of 22 feet, O-S zoning district to the east with a setback of 278 feet and across the Southern Avenue O-S district with a setback of 165 feet.
- 1.9** The monopine is located within an existing City Park zoned PF, as a result, the monopine will be compatible with, and not detrimental to, adjacent properties or the neighborhood in general.

Case No.: ZA09-052

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Location: 1955 East McKellips Road

Subject: Requesting a Special Use Permit to allow a commercial communication tower to exceed the maximum height permitted in the C-2 zoning district. (PLN2009-00372)

Decision: Approved with the following conditions:

1. *Compliance with the site plan submitted except as modified by the conditions below.*
2. *The monopalm shall have a maximum height of sixty-five feet (65') at the top of the pole and top of the antennas, the palm fronds will extend to seventy-feet (70') to the top of the palm fronds.*
3. *The size of the antennas shall not exceed 4'-2" in length, 1'-1" in width, and 4" in depth.*
4. *The microwave dishes shall not exceed 2'-2" in diameter and 1'-1" in depth.*
5. *The antennas and microwave dishes shall be painted to match the color of the palm fronds.*
6. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

Summary: Rulon Anderson represented the case and was in concurrence with the staff report and the conditions of approval. After a short discussion Mr. Gendron approved the case based on the staff report and recommendation.

Finding of Fact:

- 1.1 The Special Use Permit (SUP) will allow for the placement of a 65-foot high monopalm in a retail development.
- 1.2 The applicant notified all property owners within 300-feet of the request and no comments or concerns were received.
- 1.3 The monopalm is 65-feet high and will resemble a date palm. The array of the monopalm consists of three sectors. Each sector is equipped with one antenna, and one microwave dish. The antennas are 4' 2" in length by 1' 1" wide and 4" deep. The microwave dishes are 2' 2" in diameter and 1' 1" in width.
- 1.4 The exhibits indicate that a minimum of 55 faux date palm fronds are provided. A condition of approval requires the antennas be painted to match the color of the fronds. Faux bark along the entire length of the exposed trunk of the 26" diameter pole is used to disguise the stealth pole, making the monopalm appear more realistic. An equipment cabinet is enclosed within an existing 8' high screen wall. The elevation drawing shows two new 3' wide tubular steel gates to be installed on the existing screen wall with metal backing and to be painted to match the screen wall

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- 1.5** The applicant indicates in the narrative that the location is preferred by Clearwire to expand their existing network and provide the surrounding area wireless service. The location was chosen due to the City's requirements and minimal impact to the surrounding community.
- 1.6** The monopalm complies with the Commercial Communications Towers Guidelines in that it is approximately 85-feet from the right-of-way, where only 65 feet is required. In addition, the monopalm is approximately 153-feet from the adjacent residences where only a 130-feet is required.
- 1.7** The visibility of the monopalm will be minimized due to the materials used to conceal the pole and antennas. As a result, the monopalm will be compatible with, and not detrimental to, adjacent properties or the neighborhood in general.

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Case No.: ZA09-053

Location: 3807 East Pueblo

Subject: Requesting a Special Use Permit to allow a commercial communication tower to be placed in the R1-15 zoning district. (PLN2009-00375)

Decision: Approved with the following conditions:

- 1. Compliance with the site plan submitted except as modified by the conditions below.*
- 2. The monopalm shall have a maximum height of sixty-five feet (65') at the top of the antennas.*
- 3. All antennas shall not exceed 4'- 4" in length, 1'-2" in width, and 4" in depth.*
- 4. The antennas will be screened with a minimum of 55 palm fronds.*
- 5. The antennas shall be painted to match the color of the palm fronds.*
- 6. The antenna standoff assembly shall not extend more than 8" from the pole.*
- 7. Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.,*

Summary: Rulon Anderson represented the case and had no comments regarding the staff report. Mr. Gendron questioned the location of the tower since it does not quite meet the distance suggested by the guidelines from the adjacent residential. Ms. Davis responded that the tower is adjacent to a building and moving it would require a significant relocation due to the building. Mr. Gendron clarified that the City of Mesa Commercial Communications Towers Guidelines are in fact guidelines and not requirements. Mr. Gendron approved the case based on the staff report and recommendations.

Finding of Fact:

- 1.1** The Special Use Permit (SUP) will allow for the placement of a 65-foot high commercial communication tower at Johnson Elementary School. The applicant will install a Monopalm rather than a typical monopole so that there will be less impact on the school and the neighborhood.
- 1.2** The applicant notified all property owners within 300-feet of the request and no comments or concerns were received.
- 1.3** The Monopalm is 65-feet high. The array will consist of three sectors, with three antennas, three daps, and three microwave dishes. The antennas will be 4' 2" in length, 1' 1" wide, and 4" deep. A condition of approval has been added requiring the antennas be painted to match the color of the monopole.
- 1.4** An equipment cabinet will be screened with a 6' high masonry screen wall. The elevation drawing

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shows a 6' tube steel gate with metal backing. The gate will be painted to match the screen wall.

**1.5** The applicant stated that the additional height is necessary to clear trees and buildings in the area.

**1.6** The Monopalm is at the east side of an existing building at the northwest portion of the site. The Monopalm complies with the Commercial Communications Towers Guidelines in that it will be approximately 190-feet from the Pueblo Avenue. It does not quite meet the guidelines adjacent to the R1-43 residential district to the east. The requirement is 2-feet for each 1-foot of tower height, which will be 130-feet. The R1-43 property is 125-feet from the new communication tower. The applicant will install a Monopalm rather than a standard pole, which will have less impact on the neighborhood. Also, the R1-43 properties are much larger and the homes are a significant distance from the location. As a result, the Monopalm will be compatible with, and not detrimental to, adjacent properties or the neighborhood in general.

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**CASES:**

Case No.: ZA09-054

Location: 1225 North Gilbert Road

Subject: Requesting a Special Use Permit to allow a commercial communication tower to exceed the maximum height permitted in the C-1 zoning district. (PLN2009-00384)

Decision: Approved with the following conditions:

- 1. Compliance with the site plan submitted except as modified by the conditions below.*
- 2. The monopalm shall have a maximum height of sixty-five (65') at the top of the pole and top of the antennas.*
- 3. The antennas shall not exceed 4'-4" in length, 1'-2" in width, and 4" in depth.*
- 4. The antennas will be screened with a minimum of 55 palm fronds.*
- 5. The antennas shall be painted to match the color of the palm fronds.*
- 6. The antenna standoff assembly shall not extend more than 8" from the pole.*
- 7. Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

Summary: Rulon Anderson represented the case and was in agreement with the conditions of approval stipulated by staff. The property owner Mr. Mabry was also present. Mr. Anderson stated that he received a call from the adjacent property owner who has a salon. His concern was for the parking spaces and his desire to maintain the current amount of parking. Mr. Anderson explained that he has designed the layout so that there would be no parking spaces lost. After additional discussion Mr. Gendron approved the case based on the staff report and recommendation.

**Finding of Fact:**

- 1.1** The Special Use Permit (SUP) will allow for the placement of a 65-foot high commercial communication tower within an existing commercial development. The applicant will install a Monopalm rather than a typical monopole so that there will be less impact on the neighborhood.
- 1.2** The applicant notified all property owners within 300-feet of the request and no comments or concerns have been received.
- 1.3** The Monopalm is 65-feet high with an array that consists of three sectors, with three antennas, three daps, and three microwave dishes. The antennas are 4'- 2" in length, 1'- 1" wide, and 4" deep. A condition of approval has been added requiring the antennas be painted to match the color of the monopole.

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- 1.4** An equipment cabinet will be screened with a 6' high masonry screen wall. The elevation drawing shows a 6' tube steel gate with metal backing. The gate will be painted to match the screen wall.
- 1.5** There are five existing mature trees on this site. Three of those trees are over 40-feet in height and two are over 50-feet in height. The applicant stated that the additional height for the Monopalm is necessary to clear the trees.
- 1.6** The Monopalm is at the back of the property along the south property line and is within the required 15' wide landscape setback adjacent to the southern property line. The lease area is located on the east side of the existing building and will not be visible from the public street.
- 1.7** The Monopalm complies with the Commercial Communications Towers Guidelines in that it is approximately 136-feet from the Gilbert Road and more than 150-feet from the nearest residential property.
- 1.8** Monopalm is located within a rear parking area for an existing commercial development and is directly adjacent to other commercial and office uses. As a result, the Monopalm will be compatible with, and not detrimental to, adjacent properties or the neighborhood in general.



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**CASES:**

Case No.: ZA09-055

Location: 1937 East Broadway Road

Subject: Requesting a Special Use Permit to allow a commercial communication tower to exceed the maximum height permitted in the C-2 zoning district. (PLN2009-00362)

Decision: Approved with the following conditions:

- 1. Compliance with the site plan submitted except as modified by the conditions below.*
- 2. The monopole shall have a maximum height of 65'-7" to the top of the antennas..*
- 3. The antennas shall not exceed 4'-2" in length, 1'-1" in width, and 4' in depth.*
- 4. The antennas shall be painted to match the color of the monopole.*
- 5. The antenna standoff assembly shall not extend more than 8" from the pole.*
- 6. Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

Summary: Rulon Anderson represented the case and summarized the request, noting the existence of a previously approved monopole close by. He explained that this request is for an extension of an existing monopole. After some discussion regarding the previous extension of the monopole Mr. Gendron approved the case based on the staff report and recommendation.

**Finding of Fact:**

- 1.1** The Special Use Permit (SUP) will allow the placement of a 65'-7" high monopole in an existing industrial development.
- 1.2** The original approval for the monopole (ZA99-072) approved a total height of 45'. The pole was then administratively approved for an extension in height to 57' to the top of the existing antennae array with case CT00-31.
- 1.3** The applicant notified all property owners within 300-feet of the request and no comments or concerns were received.
- 1.4** The height of the existing monopole will be increased to 65'-7" high to accommodate an additional antennae array. The array will consist of three sectors, with three antennas, three daps, and three microwave dishes. The antennas will be 4'-2" in length, 1'-1" wide and 4" deep. The microwave dishes are 2'-2" in diameter. A condition of approval has been added requiring the antennas be painted to match the color of the monopole.

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- 1.5** An equipment cabinet will be screened within the existing enclosure that consists of 8' high screen, walls.
- 1.6** The monopole complies with the Commercial Communications Towers Guidelines in that the additional height is accommodating a collocation of the antennae arrays on a single monopole rather than erecting another monopole in the area. There are no other structures in the area of sufficient height to accommodate the needed service.

There being no further business to come before the Zoning Administrator, the hearing adjourned at 1:52 p.m.

The cases for this hearing were digitally recorded and are available upon request.

Respectfully submitted,

John S. Gendron  
Hearing Officer

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